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Jeffrey Pearce
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Jeffrey Pearce
Signature

14 July 2003
Date



#2
Docket: VMware5
Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): BUGNION, Edouard : Group Art Unit: 2776
Serial No.: 09/592,368 : Examiner:
Filed: 12 June 2000
Title: Binary Translator with Precise Synchronization Mechanism

Commissioner for Patents
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INFORMATION DISCLOSURE STATEMENT FOR REFERENCES CITED IN LITIGATION OF PARENT APPLICATION(S)

Sir:

Section 2001.06(c), M.P.E.P. provides: "Where the subject matter for which a patent is being sought is or has been involved in litigation, the existence of such litigation and any other material information arising therefrom must be brought to the attention of the Patent and Trademark Office."

This application claims priority of U.S. Patent Application Serial No. 09/179,137, which issued as U.S. Patent No. 6,397,242 on 28 May 2002. This issued patent claims priority from U.S. Provisional Application 60/085,685, filed 15 May 1998. This now-issued "parent" application is now being litigated. In the course of the discovery phase of this litigation, the applicants' employer (the assignee in this application) has received from the defendants numerous references, which the defendants assert disclose relevant prior art in the technology area of this patent application.

In keeping with the duty of disclosure under 37 CFR §1.56, the applicants therefore enclose copies of the 70 references of which they have been made aware in

the course of the litigation to date. These references are listed on the enclosed modified Form PTO-1449 form. Because of the number of references involved, the references are listed on separate sheets of the form:

| | |
|-------------|--|
| Sheet 1: | U.S. Patents |
| Sheet 2: | Foreign Patents Or Published Foreign Patent Applications |
| Sheets 3&4: | Other documents |

Especially considering that the patent based on the parent application is already in litigation, the applicants request that the Examiner consider these disclosed references, and so indicate by initialing the Form PTO-1449 in the appropriate boxes. Thank you.

Date: 14 July 2003

Respectfully submitted,



Jeffrey Pearce
Reg. No. 34,729
Attorney for the Applicant(s)